

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

William Joseph Armstrong
Debtor(s)

Bankruptcy Case No.: 19-10211-TPA
Per September 10, 2019 Proceeding
Chapter: 13
Docket No.: 34 – 15, 25
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 1, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$801.00 as of September 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: U.S. Bank .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: September 13, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William Joseph Armstrong
 Debtor

Case No. 19-10211-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Sep 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 15, 2019.

db
 15005982 +William Joseph Armstrong, 21072 Steem Hill Road, Cochran, PA 16314-2614
 15047304 +Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803
 15030662 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 +Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L.,
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 15005984 +Chase Card, PO Box 15298, Wilmington, DE 19850-5298
 15005985 +Citicards Cbna, PO Box 6217, Sioux Falls, SD 57117-6217
 15015639 ++DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: DIRECTV, PO Box 6550, Englewood, CO 80155)
 15047399 Directv, LLC, by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008
 15005988 +First National Bank Of Pa, 4140 East State Street, Hermitage, PA 16148-3401
 15005992 +Meadville Cardiology Consultants, 765 Liberty Street, Meadville, PA 16335-2566
 15052411 +PNC BANK, N.A., P.O. BOX 94982, CLEVELAND, OH 44101-4982
 15005994 +Pnc Bank, N.a., PO Box 3180, Pittsburgh, PA 15230-3180
 15015640 +ROI, PO Box 549, Lutherville Timonium, MD 21094-0549
 15037766 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: U.S. Bank National Association, Bankruptcy Department,
 PO Box 5229, Cincinnati, Ohio 45201-5229)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15052130 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 14 2019 02:50:24
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15005983 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 14 2019 02:51:33
 Capital One Bank Usa NA, PO Box 30281, Salt Lake City, UT 84130-0281
 15015638 E-mail/Text: bnc-capio@quantum3group.com Sep 14 2019 02:47:11 Cleveland Clinic,
 PO Box 89410, Cleveland, OH 44101-6410
 15005987 E-mail/Text: mrdiscen@discover.com Sep 14 2019 02:46:35 Discover Financial Services LLC,
 PO Box 15316, Wilmington, DE 19850
 15005986 +E-mail/Text: bankruptcy@diamondresorts.com Sep 14 2019 02:46:47 Diamond Resorts FS,
 10600 West Charleston Boulevard, Las Vegas, NV 89135-1260
 15010938 E-mail/Text: mrdiscen@discover.com Sep 14 2019 02:46:35 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15051679 E-mail/Text: cashiering-administrationservices@flagstar.com Sep 14 2019 02:47:47
 Flagstar Bank, FSB, 5151 Corporate Drive, Troy, MI 48098
 15005989 +E-mail/Text: cashiering-administrationservices@flagstar.com Sep 14 2019 02:47:47
 Flagstar Bank, 5151 Corporate Drive, Troy, MI 48098-2639
 15005990 +E-mail/Text: bankruptcy@avadynehealth.com Sep 14 2019 02:46:38 H & R Accounts Inc,
 7017 John Deere Parkway, Moline, IL 61265-8072
 15005991 +E-mail/Text: bncnotices@becket-lee.com Sep 14 2019 02:46:39 Kohls / Capital One,
 PO Box 3115, Milwaukee, WI 53201-3115
 15043226 E-mail/PDF: resurgentbknofications@resurgent.com Sep 14 2019 02:50:36 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15005993 +E-mail/Text: mwetherbee@mmchs.org Sep 14 2019 02:47:39 Meadville Medical Center,
 1034 Grove Street, Meadville, PA 16335-2945
 15049612 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 14 2019 03:05:47
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15005995 +E-mail/PDF: gecsed@recoverycorp.com Sep 14 2019 02:50:52 Synch / Walmart, PO Box 965024,
 Orlando, FL 32896-5024

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Flagstar Bank as servicer for New Residential Mort
 cr U.S. BANK NATIONAL ASSOCIATION
 cr* +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
 15005996* ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: Us Bank, PO Box 5227, Cincinnati, OH 45201)

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 28

Date Rcvd: Sep 13, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 15, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 13, 2019 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor William Joseph Armstrong dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Flagstar Bank as servicer for New Residential Mortgage
LLC bkgroup@kmlawgroup.com
Karina Velter on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION amps@manleydeas.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5